

DIVISION OF MINES	CHAPTER: VIII Customer Assistance
PROCEDURES MANUAL	
DIVISION OF MINES	PROCEDURE NO: 1.08.03
	ISSUE DATE: January 1, 1997
SUBJECT: Requests Through The	LAST REVISED: 10/00; 04/30/02
Freedom of Information Act	

OBJECTIVE AND INTENT

To ensure that all DM field personnel understand and respond to all Freedom of Information Act (FOIA) requests in accordance with legal and DMME requirements in a timely and professional manner which meets customer needs and expectations.

GENERAL

All written or printed books, papers, letters, documents, maps, tapes, photographs, films, sound recordings, reports, or notes (to include E-mail notes printed or saved) that are in the possession of a public body or any employee or officer of a public body in the transaction of public business are considered official records and are subject to provisions of the Freedom of Information Act.

PROCEDURE

1. REQUEST FOR OFFICIAL RECORDS

- DM receives numerous request for information. These requests are received in writing, orally by telephone, and in person at the DM offices or in the field. Requests for information should be discussed with your supervisor prior to distribution. This would not include information provided to a mine operator concerning his/her mine, unless there are questions or a large volume of copies involved. All requests must be cleared by the Public Relations Manager, either by computer notes or a copy of the request.
- The Freedom of Information Act allows up to five working days to respond to a request for information, with additional days allowed when justified. The period of time begins when the request is received by the office or an employee of the Department. This includes requests received by field personnel. If requests are unclear to the person receiving the request (by telephone or in person), the requester should be asked to put the request in writing, preferably on a DMME-IR-1 form. In order to keep a record of the FOIA request, the DMME-IR-1, or a written statement shall be placed in the FOIA file in the Big Stone Gap or the Keen Mountain office. **NOTE:** Requests must be made with "reasonable specificity", but does not need to make reference to the FOIA.

2. FEES FOR REQUESTED INFORMATION

- No charge is required for the first \$5.00 of photocopied materials, maps, or computer printouts per visit, unless the DMME public relations manager determines this privilege is being abused. Charges are 25 cents per page for black and white copies, one dollar per page for color copies, and 10 cents per page for computer printouts. Charges for copies of maps and drawings larger than 8.5" x 14" vary.

3. INFORMATION EXCLUDED FROM THE FOIA REQUEST

- There are statutes under the Mine Safety Act that require confidentiality in relation to mine maps. Refer to Section 45.1-161.64 C, and Section 45.1-161.64 F.
- The Mine Safety Act, under Section 45.1-161.97 D, excludes the Department from disclosing the identity of any person who reports an alleged violation of the Mine Safety Act.
- For other information exempted from disclosure, refer to the Department's procedures on responding to Requests For Information.

4. DENIAL OF PUBLIC ACCESS

- Any decision to deny public access to agency records, whether fully or partially, must be approved by the DMME Public Relations Manager prior to informing the party that the request is denied. Explanation of denial to release documents shall be in writing with specific reference to the statutory exemption.